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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 SUMMER DAWN TURNER,

10 Plaintiff,

11 v.

12 BCFORWARD and FACEBOOK,

13 Defendants.  
14

Case No. C22-359-RSL

ORDER TO SHOW CAUSE

15 This matter comes before the Court on its review of plaintiff's complaint (Dkt. # 7). On  
16 March 31, 2022, the Honorable Brian A. Tsuchida granted plaintiff's motion to proceed *in*  
17 *forma pauperis* but recommended that this Court review the complaint under 28 U.S.C.  
18 § 1915(e)(2)(B) before issuance of summons. See Dkt. # 6.

19 The Court, having reviewed the record as a whole under the standards articulated in  
20 28 U.S.C. § 1915(e)(2) and having construed the allegations of the complaint liberally, see  
21 Bernhardt v. Los Angeles County, 339 F.3d 920, 925 (9th Cir. 2003), finds that plaintiff's  
22 complaint is deficient.

23 Pursuant to Fed. R. Civ. P. 8(a)(1), the complaint must contain "a short and plain  
24 statement of the grounds for the court's jurisdiction." As a district court of the United States  
25 rather than a state court of Washington, the Court is a federal court of limited jurisdiction. This  
26 means that it possesses "only that power authorized by the Constitution and statute." Exxon  
27 Mobil Corp. v. Allapattah Servs., Inc., 545 U.S. 546, 552 (2005). Whether the Court has power  
28 to hear a specific claim is known as its "subject-matter jurisdiction." If the Court determines at

1 any time that it lacks subject-matter jurisdiction, the Court must dismiss the action. Fed. R. Civ.  
2 P. 12(h)(3). By statute, Congress has given the Court subject-matter jurisdiction over two types  
3 of cases: (i) federal question cases, meaning “civil actions that arise under the Constitution,  
4 laws, or treaties of the United States,” and (ii) diversity cases, meaning “civil actions between  
5 citizens of different States, between U.S. citizens and foreign citizens, or by foreign states  
6 against U.S. citizens.” *Id.* (citing 28 U.S.C. §§ 1331, 1332). A natural person’s State of  
7 citizenship is “her permanent home, where she resides with the intention to remain or to which  
8 she intends to return.” *Kanter v. Warner-Lambert Co.*, 265 F.3d 853, 857 (9th Cir. 2001). A  
9 corporation is a citizen of every State (i) by which it has been incorporated, and (ii) where it has  
10 its principal place of business. 28 U.S.C. § 1332(c)(1). Diversity jurisdiction also requires that  
11 the amount in controversy “*exceeds* the sum or value of \$75,000.” 28 U.S.C. § 1332(a)  
12 (emphasis added). As the party seeking a federal venue by filing a complaint in federal court,  
13 plaintiff has the burden of establishing all jurisdictional facts. *See In re Dynamic Random*  
14 *Access Memory (DRAM) Antitrust Litig.*, 546 F.3d 981, 984 (9th Cir. 2008).

15 Plaintiff’s complaint does not assert the basis for jurisdiction, and it is not clear what the  
16 basis might be. Regarding federal question jurisdiction, plaintiff appears to appeal denial of  
17 unemployment benefits, alleging that her ex-employers lied. Unemployment benefits appeals  
18 are generally a state law matter, and therefore do not provide the Court with federal question  
19 jurisdiction. Regarding diversity jurisdiction, plaintiff alleges that the amount in controversy is  
20 exactly \$75,000. Even assuming that plaintiff is a citizen of Washington State and defendants  
21 are not (jurisdictional facts that are missing from the complaint), plaintiff’s claim for *exactly*  
22 \$75,000 is insufficient to establish diversity jurisdiction, as the amount in controversy must  
23 *exceed* \$75,000.

24 Further, pursuant to Fed. R. Civ. P. 8(a)(2), the complaint must contain “a short and plain  
25 statement of the claim showing that the pleader is entitled to relief.” Although a complaint need  
26 not provide detailed factual allegations, it must offer “more than labels and conclusions” and  
27 contain more than a “formulaic recitation of the elements of a cause of action.” *Bell Atl. Corp.*  
28 *v. Twombly*, 550 U.S. 544, 555 (2007). The Court will assume the truth of the plaintiff’s

1 allegations and draw all reasonable inferences in her favor, Usher v. City of Los Angeles, 828  
2 F.2d 556, 561 (9th Cir. 1987), but the allegations must give rise to something more than mere  
3 speculation that plaintiff has a right to relief, Twombly, 550 U.S. at 555. The question for the  
4 Court is whether the facts in the complaint sufficiently state a “plausible” ground for relief.  
5 Twombly, 550 U.S. at 570. Here, the Court would have to speculate not only regarding the  
6 nature of her claim, but also about the factual basis for her claim. Plaintiff does not identify  
7 what her claim is. Plaintiff also explains neither how defendants lied and abused her nor the  
8 connection between these acts and her qualification for unemployment and other injuries.

9 For the foregoing reasons, plaintiff is hereby ORDERED TO SHOW CAUSE why the  
10 complaint should not be dismissed for lack of subject-matter jurisdiction and/or failure to allege  
11 facts that give rise to a plausible inference that relief is warranted. Plaintiff shall, within thirty  
12 (30) days of this order, file an amended complaint which remedies the deficiencies set forth  
13 above. If an acceptable amended complaint is not filed within the time proscribed, this action  
14 will be dismissed without prejudice.

15 The Clerk of Court is directed to note this Order to Show Cause on the Court’s calendar  
16 for Friday, May 13, 2022.

17 The Clerk of Court shall provide a copy of this Order to plaintiff.

18 DATED this 11<sup>th</sup> day of April, 2022.

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21 Robert S. Lasnik  
22 United States District Judge  
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